

EXHIBIT 5 – Affidavit of Mailing Notice of Foreclosure et al

20

Jackson County Official Records **2010-005480**
R-AFM
Cnt=1 MORGANSS **02/18/2010 08:30:00 AM**
\$75.00 \$10.00 \$5.00 \$11.00 \$15.00 **Total:\$116.00**



01414461201000054800150155

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Christine Walker - County Clerk

RECORDING COVER SHEET
Pursuant to ORS 205.234

After recording return to:

Northwest Trustee Services, Inc.
As successor trustee
Attention: Kathy Taggart
P.O. Box 997
Bellevue, WA 98009-0997

[REDACTED] 6

1. **AFFIDAVIT OF MAILING – NOTICE OF FORECLOSURE**
2. **NOTICE OF FORECLOSURE**
3. **AFFIDAVIT OF COMPLIANCE - SB 628**
4. **AFFIDAVIT OF MAILING – TRUSTEE'S NOTICE OF SALE**
5. **TRUSTEE'S NOTICE OF SALE**
6. **PROOF OF SERVICE**
7. **AFFIDAVIT OF PUBLICATION**

15
26
15

TD # [REDACTED]

Original Grantor(s) on Trust Deed: Donald E. McCoy III and Virginia Lee McCoy,
husband and wife as joint tenants

Beneficiary: Mortgage Electronic Registration Systems, Inc. solely as nominee for BNC
Mortgage, Inc.

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE
ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS CONTAINED IN
THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN
THE INSTRUMENT ITSELF.

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AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original Notice of Foreclosure given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached Notice of Foreclosure as required by Section 20 of Chapter 19, Oregon Laws 2008 ("Bill") by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

See Attached Exhibit A

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice and to the occupant residing in the Property.

Each of the notices so mailed was certified to be a true copy of the original Notice of Foreclosure, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 11/4/09. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell was recorded. The form of the notice complies with Sections 20 and 21 of the Bill and a copy is enclosed with this affidavit.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

I certify that I know or have satisfactory evidence that Ashley Linderman is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 11/4/09

AFFIDAVIT OF MAILING NOTICE OF FORECLOSURE

RE: Trust Deed from
MCCOY, DONALD E. III and VIRGINIA
LEE

Grantor

to

Northwest Trustee Services, Inc.,
Trustee

File No. [REDACTED]

After recording return to:
Northwest Trustee Services, Inc.
Attn: Kathy Taggart
P.O. Box 997
Bellevue, WA 98009-0997

NOTARY PUBLIC in and for the State of
Washington, residing at [REDACTED]
My commission expires 9/30/12

ASHLEY ANN HOGAN
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
9-30-12

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EXHIBIT A

DONALD E. MCCOY III
2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

OCCUPANTS
2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

VIRGINIA LEE MCCOY
c/o Keith Y. Boyd, Atty.
88 East Broadway
Eugene, OR 97401-2933

VIRGINIA LEE MCCOY
2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

DONALD E. MCCOY III
c/o Keith Y. Boyd, Atty.
88 East Broadway
Eugene, OR 97401-2933

VIRGINIA LEE MCCOY
2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

DONALD E. MCCOY III
c/o Keith Y. Boyd, Atty.
88 East Broadway
Eugene, OR 97401-2933

DONALD E. MCCOY III
2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

OCCUPANTS
2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

VIRGINIA LEE MCCOY
c/o Keith Y. Boyd, Atty.
88 East Broadway
Eugene, OR 97401-2933

777.24201
Kathy Taggart

**NOTICE:
YOU ARE IN DANGER OF LOSING YOUR PROPERTY
IF YOU DO NOT TAKE ACTION IMMEDIATELY**

This notice is about your mortgage loan on your property at:

Street address: 2969 SUNNYVALE DRIVE

City: CENTRAL POINT State: OR ZIP: 97502

Your lender has decided to sell this property because the money due on your mortgage loan has not been paid on time or because you have failed to fulfill some other obligation to your lender. This is sometimes called "foreclosure."

The amount you would have had to pay as of 11/04/2009 (date) to bring your mortgage loan current was \$89111.67. The amount you must now pay to bring your loan current may have increased since that date.

By law, your lender has to provide you with details about the amount you owe, if you ask. You may call (866) 254-5790 to find out the exact amount you must pay bring your to mortgage loan current and to get other details about the amount you owe.

You may also get these details by sending a request by certified mail to:

Northwest Trustee Services, Inc.

PO Box 997

Bellevue, WA 98009-0997

**THIS IS WHEN AND WHERE YOUR PROPERTY WILL BE SOLD IF YOU
DO NOT TAKE ACTION:**

Date and time: 03/08/2010 at 10:00 AM

Place: on the front steps outside the main entrance of the Jackson County
Courthouse, 10 South Oakdale, Medford OR

THIS IS WHAT YOU CAN DO TO STOP THE SALE:

1. You can pay the amount past due or correct any other default, up to five days before the sale.
2. You can refinance or otherwise pay off the loan in full anytime before the sale.
3. You can request that your lender give you more time or change the terms of your loan.
4. You can sell your home, provided the sale price is enough to pay what you owe.

There are government agencies and nonprofit organizations that can give you information about foreclosure and help you decide what to do. For the name and phone number of an organization near you, please call the statewide phone contact number at **800-SAFENET (800-723-3638)**.

You may also wish to talk to a lawyer. If you need help finding a lawyer, you may call the Oregon State Bar's Lawyer Referral Service at **503-684-3763** or toll-free in Oregon at **800-452-7636** or you may visit its Web site at: www.osbar.org. Legal assistance may be available if you have a low income and meet federal poverty guidelines. For more information and a directory of legal aid programs, go to <http://www.oregonlawhelp.org>.

Your lender may be willing to modify your loan to reduce the interest rate, reduce the monthly payments or both. You can get information about possible loan modification programs by contacting your lender at 866-254-5790. If you can't reach your lender, you may contact the trustee at the telephone number at the bottom of this notice. If you have already entered into a loan modification with your lender, it is possible that you will not be able to modify your loan again unless your circumstances have changed. Your lender is not obligated to modify your loan.

You may request to meet with your lender to discuss options for modifying your loan. During discussions with your lender, you may have the assistance of a lawyer, a housing counselor or another person of your choosing. To receive a referral to a housing counselor or other assistance available in your community, call this toll-free consumer mortgage foreclosure information number: **800-SAFENET (800-723-3638)**. Many lenders participate in new federal loan modification programs. You can obtain more information about these programs at: <http://www.makinghomeaffordable.gov/>.

IF YOU WANT TO APPLY TO MODIFY YOUR LOAN, YOU MUST FILL OUT AND MAIL BACK THE ENCLOSED "MODIFICATION REQUEST FORM." YOUR LENDER MUST RECEIVE THE FORM BY 12/04/2009, WHICH IS 30 DAYS AFTER THE DATE SHOWN BELOW.

WARNING: You may get offers from people who tell you they can help you keep your property. You should be careful about those offers. Make sure you understand any papers you are asked to sign. If you have questions, talk to a lawyer or one of the organizations mentioned above before signing.

DATED: 11/04/2009

Trustee name: Kathy Taggart

Trustee telephone number: 425-586-1900

7777.24201/MCCOY, DONALD E. III and VIRGINIA LEE

LOAN MODIFICATION REQUEST FORM

Your home is at risk of foreclosure. There may be options available to help you keep your home. If you want to request a loan modification, you must return this form to the address below by 12/04/2009, which is 30 days from the date the Trustee signed the accompanying Notice:

**Northwest Trustee Services, Inc.
PO Box 997
Bellevue, WA 98009-0997**

There may be options available to you, including:

- 1) Modifying your loan terms
- 2) Temporarily lowering payments
- 3) Scheduling payments to cure the arrears
- 4) Temporary suspension of payments
- 5) Other options based on your lender and the type of loan.

In order to discuss your loan options, you should gather and provide the following documents:

- 1) Last year's tax returns
- 2) Pay stubs for the last 2 months
- 3) Bank statements for the last 3 months
- 4) Other documents showing your financial hardship status
- 5) Your lender may request that you complete additional forms or provide additional information

RETURNING THIS REQUEST DOES NOT MODIFY YOUR LOAN. Your lender is required to contact you within 45 days after you return this form to discuss a possible loan modification. The foreclosure sale will not occur until your lender has contacted you about your request. **YOUR LENDER IS NOT REQUIRED TO MODIFY YOUR LOAN.** The foreclosure sale may proceed if your loan is not modified.

REQUEST A MEETING. Before the lender responds to your request for a loan modification, you may request **IN WRITING** a meeting with the lender. Upon receipt of your written request for a meeting, the lender will attempt to contact you by mail, telephone or e-mail to schedule a meeting in person or by telephone at the lender's option. **NOTE:** It is important that you respond immediately to any contact from your lender to schedule a meeting that you have requested. If you do not respond within 7 days from the date your lender attempts to contact you to schedule a meeting, your lender may refuse to meet, deny your request for consideration of a loan modification and resume foreclosure activities.

File No. 7777.24201
Loan No.: [REDACTED]
Borrower Name: MCCOY, DONALD E. III and VIRGINIA LEE
Property Address: 2969 SUNNYVALE DRIVE, CENTRAL POINT, OR97502

Please indicate where your lender may contact you:

Mailing Address: _____

Home Telephone Number: _____ Work Telephone Number: _____

Email: _____ (providing your e-mail address authorizes the lender or its agent to communicate with you by e-mail concerning your request for loan modification consideration and for the purpose of scheduling and confirming a meeting.)

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Affidavit of Compliance Oregon SB 628	
Re: Trust Deed from	
<u>Donald E. McCoy III and Virginia Lee McCoy,</u>	
<u>husband and wife as joint tenants</u>	
Grantor	
to	
<u>Northwest Trustee Services, Inc.</u>	
Trustee	File No. <u>7777.24201</u>

Affidavit of Compliance with Oregon SB 628 (2009)

Original Loan Amount: \$320,000.00

Borrower name(s): MCCOY, DONALD E. III and VIRGINIA LEE

Property Address: 2969 SUNNYVALE DRIVE, CENTRAL POINT, OR 97502

The undersigned is an employee of the trustee under the trust deed securing the above-referenced loan and is, for the limited purpose of this affidavit, executing this affidavit as the agent of the beneficiary. The undersigned is at least 18 years of age and competent to testify in a court of law and, having personal knowledge of the matters set forth below, represents and avers, under the penalty of perjury, that the following is true and correct:

No Request for Meeting or Loan Modification Received. No request for a meeting or loan modification was timely received from borrower.

DATED: January 26, 2010

By: _____

Northwest Trustee Services

STATE OF WASHINGTON)

COUNTY OF KING)

) ss.

I certify that I know or have satisfactory evidence that Kathy Taggart is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: January 26, 2010

[Signature]
 NOTARY PUBLIC in and for the State of
 Washington, residing at BALLOU
 My commission expires 12-28-12

BRIAN C. PHAM
 STATE OF WASHINGTON
 NOTARY PUBLIC
 MY COMMISSION EXPIRES
 12-28-12

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

STATE OF WASHINGTON, County of KING) ss:

I, the undersigned, being first duly sworn, depose and say and certify that:

At all times hereinafter mentioned, I was and now am a resident of the State of Washington, a competent person over the age of eighteen years and not the beneficiary or beneficiary's successor in interest named in the attached original notice of sale given under the terms of that certain deed described in said notice.

I gave notice of the sale of the real property described in the attached notice of sale by mailing a copy thereof by both first class and certified mail with return receipt requested to each of the following named persons (or their legal representatives, where so indicated) at their respective last known address, to-wit:

Mortgage Electronic Registration Systems, Inc.
3300 SW 34th Ave Suite 101
Ocala, FL 34474

BNC Mortgage, Inc.
P.O. Box 19656
Irvine, CA 92623-9656

America's Servicing Company
2071 Wells Fargo Way
Minneapolis, MN 55467

America's Servicing Company
MAC P6053-022
P.O. Box 4116
Portland, OR 97208

John Kroger, Attorney General
Oregon Department of Justice
1162 Court Street N.E.
Salem, OR 97301-4096

State of Oregon
Department of Revenue
955 Center Street Northeast
Salem, OR 97301-2555

State of Oregon
Department of Revenue
P.O. Box 14725
Salem, OR 97309-5018

Gorilla Capital of Jackson County LLC
1400 High Street, Suite B-2
Eugene, OR 97401

Vic Niculescu
1025 Court Street
Medford, OR 97501

Medford Irrigation District
1340 Myers Lane
Medford, OR 97501

Credit Bureau of Josephine County
c/o Dawn Fauver
130 NE Manzanita Ave
Grants Pass, OR 97526

Medford Irrigation District
PO Box 70
Jacksonville, OR 97530

Southern Oregon Credit Service Inc.
c/o Linda Collins
841 Stewart Ave Suite 11
Medford, OR 97501

Southern Oregon Credit Service Inc.
c/o Linda Collins
PO Box 4070
Medford, OR 97501

Internal Revenue Service
Technical Services Advisory Group Mgr
915 Second Avenue MS W245
Seattle, WA 98174

DONALD E. MCCOY III
2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

VIRGINIA LEE MCCOY
2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

OCCUPANTS
2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

DONALD E. MCCOY III
c/o Keith Y. Boyd, Atty.
88 East Broadway
Eugene, OR 97401-2933

VIRGINIA LEE MCCOY
c/o Keith Y. Boyd, Atty.
88 East Broadway
Eugene, OR 97401-2933

AFFIDAVIT OF MAILING TRUSTEE'S NOTICE OF SALE

RE: Trust Deed from
MCCOY, DONALD E. III and VIRGINIA LEE
Grantor

to
Northwest Trustee Services, Inc.,
Trustee

File No. 

After recording return to:
Northwest Trustee Services, Inc.
Successor by merger to Northwest Trustee Services, PLLC
(fka Northwest Trustee Services, LLC)
Attn: Kathy Taggart
P.O. Box 997
Bellevue, WA 98009-0997

Said persons include (a) the grantor in the trust deed, (b) any successor in interest to the grantor whose interest appears of record or of whose interest the trustee or the beneficiary has actual notice, (c) any person, including the Department of Revenue or any other state agency, having a lien or interest subsequent to the trust deed if the lien or interest appears of record or the beneficiary has actual notice of the lien or interest, and (d) any person requesting notice, as required by ORS 86.785.

Each of the notices so mailed was certified to be a true copy of the original notice of sale, each such copy was contained in a sealed envelope, with postage thereon fully prepaid, and was deposited by me in the United States post office at Bellevue, Washington, on 11-3-09. With respect to each person listed above, one such notice was mailed with postage thereon sufficient for first class delivery to the address indicated, and another such notice was mailed with a proper form to request and obtain a return receipt and postage thereon in the amount sufficient to accomplish the same. Each of said notices was mailed after the notice of default and election to sell described in said notice of sale was recorded.

As used herein, the singular includes the plural, trustee includes successor trustee, and person includes corporation and any other legal or commercial entity.

STATE OF WASHINGTON)

) ss.

COUNTY OF KING)

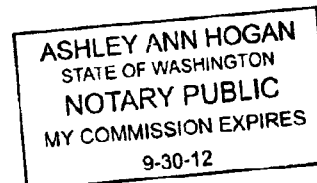
I certify that I know or have satisfactory evidence that Bentley Williams is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 11/5/09

Bentley Williams

[Signature]

NOTARY PUBLIC in and for the State of
Washington, residing at [Signature]
My commission expires 9/30/12



TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made by Donald E. McCoy III and Virginia Lee McCoy, husband and wife as joint tenants, as grantor, to First American Title Insurance Company, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for BNC Mortgage, Inc., as beneficiary, dated 09/26/05, recorded 09/30/05, in the mortgage records of Jackson County, Oregon, as 2005-060123 and subsequently assigned to U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-10 by Assignment recorded as 2007-43371, covering the following described real property situated in said county and state, to wit:

Beginning at an iron pipe 810.62 feet East and 1343.30 feet South of the Northwest corner of Donation Land Claim No. 44 in Section 9, Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence West 405.31 feet to an iron pipe; thence North 134.33 feet; thence East 405.31 feet; thence South 134.33 feet to an iron pipe and the point of beginning.

PROPERTY ADDRESS: 2969 SUNNYVALE DRIVE
CENTRAL POINT, OR 97502

Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$2,512.46 beginning 04/01/07; plus late charges of \$115.35 each month beginning 04/16/07; plus prior accrued late charges of \$0.00; plus advances of \$4,582.57; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$318,507.03 with interest thereon at the rate of 8.34 percent per annum beginning 03/01/07; plus late charges of \$115.35 each month beginning 04/16/07 until paid; plus prior accrued late charges of \$0.00; plus advances of \$4,582.57; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable.

WHEREFORE, notice hereby is given that the undersigned trustee will on **March 8, 2010** at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: on the front steps outside the main entrance of the Jackson County Courthouse, 10 South Oakdale, in the City of Medford, County of Jackson, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents.

In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any.

NOTICE TO TENANTS

If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement.

If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of sale.

If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out.

To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is February 6, 2010. The name of the trustee and the trustee's mailing address are listed on this notice.

Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law.

You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so.

If you believe you need legal assistance with this matter, you may contact the Oregon State Bar Association (16037 Upper Boones Ferry Road, Tigard, Oregon 97224, (503)620-0222, toll-free in Oregon (800)452-8260) and ask for lawyer referral service. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance; a county-by-county listing of legal aid resources may be found on the Internet at <http://www.osbar.org/public/ris/lowcostlegalhelp/legalaid.html>.

The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com.

Northwest Trustee Services, Inc.

Dated: November 3, 2009

By 

Assistant Vice President,
Northwest Trustee Services, Inc.

For further information, please contact:

Kathy Taggart
Northwest Trustee Services, Inc.
P.O. Box 997
Bellevue, WA 98009-0997
(425) 586-1900

File No.  MCCOY, DONALD E. III and VIRGINIA LEE

State of Washington, County of King) ss:

I, the undersigned, certify that the foregoing is a complete and accurate copy of the original trustee's notice of sale.

By Authorized Signer

THIS COMMUNICATION IS FROM A DEBT COLLECTOR AND IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.


FEI, LLC
Affidavit of Posting and Service

State of Oregon
County of Jackson

Linda Gates, being sworn, says:

- That I am over 18 years of age, a resident of Oregon, and not a party to the proceeding referred to in the attached Notice of Trustee's Sale:
- That my business address is 40 N. Front Street, Central Point, OR.
- That I personally served a copy of the Notice of Trustee's Sale upon an adult occupant of the real property, commonly referred to as 2969 SUNNYVALE DRIVE, CENTRAL POINT, OR 97502 in the manner in which a summons is served by delivering to or leaving with Katherine Cotrell, a person over the age of eighteen (18) years, then residing therein on Friday, November 6, 2009, at 09:00 am.

Signed in Jackson County, Oregon by:



Signature
Date 11/6/09

1002.76438


State of Oregon
County of Jackson

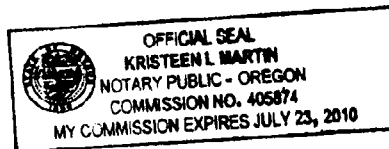
On this 6 day of NOV in the year of 09, before me a Notary Public, Personally appeared Linda Gates, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he/she executed the same.

Notary Public for Oregon:

Residing at:

Commission expires:


cc, OK
7/23/10



STATEMENT OF PROPERTY CONDITION

Occupancy:

☒ Occupied

☐ Vacant

Type of Dwelling:

☒ Single Family

☐ Condominium

☐ Apartment Bldg

☐ Commercial Bldg

☐ Mobile Home

☐ Vacant Land

☐ Multi-Family: Number of Units: _____

Property Condition:

Damage:

☐ Fire

☐ Vandalism

☐ Other

Describe: _____

Landscape:

☒ Good

☐ Poor

Other:

☐ Property Address Discrepancies

☐ Code Enforcement Notices

☐ Livestock

☐ For Sale Sign, By _____

Comments: _____



Disclaimer:

Foreclosure Expeditors/Initiators, LLC provides the information herein as a courtesy. That information is obtained from field service representatives possessing varying degrees of knowledge and sophistication in the observance and reporting of real property conditions and should not be relied upon in lieu of the lender's or servicer's regular property inspections for the property. No guaranty, warranty or representation of any kind, expressed or implied, is made concerning the accuracy, completeness or correctness of the matters reported upon by FEI's representatives herein. Foreclosure Expeditors/Initiators, LLC, its affiliates, officers, directors, employees, or agents are neither responsible nor liable for any direct, indirect, incidental, consequential, special, punitive, exemplary or other damages arising out of or relating in any way to the content or information contained in this Statement of Property Condition.



037219

Affidavit of Publication

State of Oregon,)
)
County of Jackson) ss.

I, Vickie Quinn, being first duly sworn, depose and say that I am the Principal Clerk of Medford Mail Tribune / or Daily Tidings newspaper of general circulation, printed and published at Medford in the aforesaid county and state; that the

TRUSTEE'S NOTICE OF SALE

1002.76438

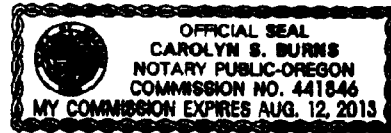
A printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 4 INSERTIONS in the following issues:
DECEMBER 9, 16, 23, 30, 2009

Vickie Quinn

Subscribed and sworn to before me this 31 day of DECEMBER, 2009.

Carolyn S. Burns
Notary Public for Oregon

My Commission expires 12th day of August 2013.



TRUSTEE'S NOTICE OF SALE Reference is made to that certain trust deed made by Donald E. McCoy III and Virginia Lee McCoy, husband and wife as joint tenants, as grantor, to First American Title Insurance Company, as trustee, in favor of Mortgage Electronic Registration Systems, Inc. solely as nominee for BNC Mortgage, Inc., as beneficiary, dated 09/26/05, recorded 09/30/05, in the mortgage records of Jackson County, Oregon, as 2005-060123 and subsequently assigned to U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust, 2005-10 by Assignment recorded as 2007-43371, covering the following described real property situated in said county and state, to wit: Beginning at an iron pipe 810.62 feet East and 1343.30 feet South of the Northwest corner of Donation Land Claim No. 44 in Section 9, Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence West 405.31 feet to an iron pipe; thence North 134.33 feet; thence East 405.31 feet; thence South 134.33 feet to an iron pipe and the point of beginning. PROPERTY ADDRESS: 2969 SUNNYVALE DRIVE CENTRAL POINT, OR 97502 Both the beneficiary and the trustee have elected to sell the real property to satisfy the obligations secured by the trust deed and a notice of default has been recorded pursuant to Oregon Revised Statutes 86.735(3); the default for which the foreclosure is made is grantor's failure to pay when due the following sums: monthly payments of \$2,512.46 beginning 04/01/07; plus late charges of \$115.35 each month beginning 04/16/07; plus prior accrued late charges of \$0.00; plus advances of \$4,582.57; together with title expense, costs, trustee's fees and attorney's fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable. By reason of said default the beneficiary has declared all sums owing on the obligation secured by the trust deed immediately due and payable, said sums being the following, to wit: \$316,507.03 with interest thereon at the rate of 8.34 percent per annum beginning 03/01/07; plus late charges of \$115.35 each month beginning 04/16/07 until paid; plus prior accrued late charges of \$0.00; plus advances of \$4,582.57; together with title expense, costs, trustee's fees and attorneys fees incurred herein by reason of said default; any further sums advanced by the beneficiary for the protection of the above described real property and its interest therein; and prepayment penalties/premiums, if applicable. WHEREFORE, notice hereby is given that the undersigned trustee will on March 8, 2010 at the hour of 10:00 o'clock, A.M. in accord with the standard of time established by ORS 187.110, at the following place: on the front steps outside the main entrance of the Jackson County Courthouse, 10 South Oakdale, in the City of Medford, County of Jackson, State of Oregon, sell at public auction to the highest bidder for cash the interest in the described real property which the grantor had or had power to convey at the time of the execution by grantor of the trust deed, together with any interest which the grantor or grantor's successors in interest acquired after the execution of the trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that for reinstatement or payoff quotes requested pursuant to ORS 86.757 and 86.759 must be timely communicated in a written request that complies with that statute addressed to the trustee's "Urgent Request Desk" either by personal delivery to the trustee's physical offices (call for address) or by first class, certified mail, return receipt requested, addressed to the trustee's post office box address set forth in this notice. Due to potential conflicts with federal law, persons having no record legal or equitable interest in the subject property will only receive information concerning the lender's estimated or actual bid. Lender bid information is also available at the trustee's website, www.northwesttrustee.com. Notice is further given that any person named in ORS 86.753 has the right, at any time prior to five days before the date last set for the sale, to have this foreclosure proceeding dismissed and the trust deed reinstated by payment to the beneficiary of the entire amount then due (other than such portion of the principal as would not then be due had no default occurred) and by curing any other default complained of herein that is capable of being cured by tendering the performance required under the obligation or trust deed, and in addition to paying said sums or tendering the performance necessary to cure the default, by paying all costs and expenses actually incurred in enforcing the obligation and trust deed, together with trustee's and attorney's fees not exceeding the amounts provided by said ORS 86.753. Requests from persons named in ORS 86.753 for reinstatement quotes received less than six days prior to the date set for the trustee's sale will be honored only at the discretion of the beneficiary or if required by the terms of the loan documents. In construing this notice, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and the words "trustee" and "beneficiary" include their respective successors in interest, if any. NOTICE TO TENANTS: If you are a tenant of this property, foreclosure could affect your rental agreement. A purchaser who buys this property at a foreclosure sale has the right to require you to move out after giving you notice of the requirement. If you do not have a fixed-term lease, the purchaser may require you to move out after giving you a 30-day notice on or after the date of sale. If you have a fixed-term lease, you may be entitled to receive after the date of the sale a 60-day notice of the purchaser's requirement that you move out. To be entitled to either a 30-day or 60-day notice, you must give the trustee of the property written evidence of your rental agreement at least 30 days before the date first set for the sale. If you have a fixed-term lease, you must give the trustee a copy of the rental agreement. If you do not have a fixed-term lease and cannot provide a copy of the rental agreement, you may give the trustee other written evidence of the existence of the rental agreement. The date that is 30 days before the date of the sale is February 6, 2010. The name of the trustee and the trustee's mailing address are listed on this notice. Federal law may grant you additional rights, including a right to a longer notice period. Consult a lawyer for more information about your rights under federal law. You have the right to apply your security deposit and any rent you prepaid toward your current obligation under your rental agreement. If you want to do so, you must notify your landlord in writing and in advance that you intend to do so. If you believe you need legal assistance with this matter, you may contact the Oregon State Bar Association (16037 Upper Boones Ferry Road, Tigard, Oregon 97224, (503)620-0222, toll-free in Oregon (800)452-8280) and ask for lawyer referral service. If you have a low income and meet federal poverty guidelines, you may be eligible for free legal assistance; a county-by-county listing of legal aid resources may be found on the Internet at <http://www.osbar.org/public/rts/lowcostlegalthelp/legalaid.html>. The trustee's rules of auction may be accessed at www.northwesttrustee.com and are incorporated by this reference. You may also access sale status at www.northwesttrustee.com and www.USA-Foreclosure.com. Northwest Trustee Services, Inc. For further information, please contact: Kathy Taggart Northwest Trustee Services, Inc. P.O. Box 997 Bellevue, WA 98009-0997 586-1900 / MCCOY, DONALD E. III and VIRGINIA LEE. (TS# 7777.24201) 1002.76438-FEI

December 9, 16, 23, 30, 2009

MAIL TRIBUNE RECEIPT

Receipt No:

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